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CROSSVILLE, TENNESSEE

NON-RESIDENT NOTICE.G. M. Martin
vs.
W. O. Kearley.

In the Chancery Court of Cumberland County, Tennessee.

In this cause it appears to the satisfaction of the Clerk and Master from the bill which is sworn to, that defendants, W. O. Kearley and are non-residents of the state. It is therefore ordered that publication be made in the Crossville Chronicle, a newspaper published in the town of Crossville, for four consecutive weeks, commanding said non-resident defendants to appear before C. G. Black, Clerk and Master, in the court house in the town of Crossville the first Monday of October, 1915, and plead to said bill or same will be taken for confessed.

This the 4th day of September, 1915.
C. G. Black,
Clerk and Master.**NON-RESIDENT NOTICE.**

To Samuel Willford, Celia Willford, Robert Willford, Calvin Willford, Elura Willford Chandler and husband, Gerald Chandler; Elsie Willford Rose and husband, Arthur Rose.

Guy M. Butts

vs.
Samuel Willford, et al.
In the Chancery court, Crossville, Tennessee.

It appearing from the bill in this cause, which is sworn to, that Samuel Willford and Celia Willford are justly indebted to the complainant and that they reside out of the state of Tennessee, and an attachment having been issued and levied on a tract of land of 280 acres, the property of Samuel Willford, which property it is alleged he has fraudulently conveyed to the said Robert Willford, Calvin Willford, Elura Chandler and Elsie Rose to hinder and delay complainant in the collection of this debt, it is ordered that publication be made for four consecutive weeks in the Crossville Chronicle, a weekly newspaper published at Crossville, Tennessee, requiring all the said defendants named above to appear before said Chancery court, on the first Monday in November, 1915, and make defense to the bill filed against them in this cause; otherwise, the said bill will be taken as true and for confessed and the cause set for hearing ex parte.

This September 11, 1915.
C. G. Black,
Clerk and Master.

9-15-15.

JUDGE BURNETT REPLIES.

The Editor Defends His Ground and Former Utterances.

[In the following article by Judge G. P. Burnett we have marked with figures the parts that we consider worthy of answering and our answers will bear the same numbers as are inserted in his article. Read what Judge Burnett says under figure 1 then read the answer by the editor under the same number and go through both articles that way by number and you will get a clear understanding of both, otherwise you may not.—Editor Chronicle.]

WHAT WILL THEY DO?

1. The above question was asked by the editor of the Chronicle in last week's issue and had reference to what the church people were going to do in regard to my actions in defending S. W. Potter before the Recorder.

2. It is passing strange that the editor would now look to the church people as the savior of the community, when only a few weeks ago he made this indictment against the church: "NO ORGANIZATION HAS EVER EXISTED THAT IN ANY WAY CLAIMED TO BE FOR THE MORAL GOOD OF MANKIND THAT HAS BEEN GUILTY OF MORE CRIME THAN THE CHURCH."

Now Mr. Bishop, if I had so recently made this serious charge against the church I would not ask what they were going to do

3. If I had taken the position you so recently took I think I would have quietly, as you did, accept the charge of my brother editor that I was an infidel. I don't blame you for not replying to his charge.

4. But stinging under the just rebuke you received for the position you took, you now come back with your dirty fling at me in order that you may thrust another dagger into the church. You shall not be allowed to conceal your purpose. If you have anything to say about me you shall have liberty to say it in just such terms as you think be comes a gentleman, but you shall not use me with which to stigmatize the church. If I am wrong the church and the church people are not, at that account. I have tried to live in the community so that my influence would be for good and not bad.

5. I could not expect my influence to be for good if I should stand in the presence of ministers of the gospel and church people and profane the name of God. I would not feel like criticising other people for what they do.

As to the course I took in defending Mr. Potter, I said on the trial before the Recorder and I now say that I have no apology to offer to any living man. My conscience is clear of having done any thing wrong. When I have to go to you or any one else to know whether I should represent this or that client, I will that moment surrender my license as a lawyer and take up some other calling.

6. You graciously accuse me of being a man of influence and standing in the community; a man who has always stood for better conditions in our town and for this reason you are astounded to know I would represent such a man. If I am the kind of man you claim for me, let me ask which would be better for a man of this character to represent clients in court or one who had no standing; one who cared nothing for the duty he owed to the public and who cared only to secure an acquittal for his client be he innocent or guilty? The very fact that I am an honest man, as you say, would be a guarantee that I would take no undue steps to secure an acquittal for my client.

7. Lawyers are sworn officers of the court and it is only the lawyer that disregards his oath and duty as an officer that the public need fear in our courts. In our criminal courts, if lawyers only represent the innocent there would be very little business for a criminal lawyer in court, for I think it may be laid down as a truthful proposition that more than one half the people charged with crime are guilty. But the laws of the land give him the right to be heard either by himself or counsel. He is entitled to a fair and impartial trial.

8. If he can not employ an attorney the law makes it the duty of the court to appoint one for him.

At the last term of court and the term before last I was appointed to represent thieves, men whom I had good reasons to believe were guilty. I could not refuse without violating a duty I owed to the court. I have represented men for murder. I have represented them for almost every offense against the laws. I did not defend the crime but the client.

I do not look upon the crime of lewdness as being any greater than murder, rape, theft and many other crimes.

9. You have never before been heard to censure an attorney for representing clients charged with all these offenses.

10. The man who does not believe in giving his fellowman a fair and impartial trial in the courts is an anarchist and does not believe in law.

11. The man who will prejudice a defendant disqualifies himself to sit in judgement against him and that is what you have done in this case.

12. You can not say you did so on the proof, for you say the misconduct has been going on from six to ten years openly and notoriously.

13. Let me ask where you have been all these years while you have been preaching righteousness and law enforcement from the house tops. Did you ever call attention to it in any way? If it has been as you say you could have performed a just service to the public by calling attention to it.

14. You either did not know it or you have been a coward or a hypocrite one or the other.

15. You say you stand ready to expose crime and corruption at all times but when and where did you ever expose anything until it had already been exposed?

You make mention of the fact that you have and will always refuse to accept whiskey advertisements. I think you are correct.

16. But I think the public will remember the time you opened the columns of your paper to a man who it was currently reported and generally believed was a bootlegger, to vilify and demean the good people of our town, and that too under a fictitious name.

17. Some of our good people will remember that you came to them and asked them to answer, through the paper, these articles, stating that you could not afford to do it yourself.

18. I plead guilty to the charge you make against me of having been apprised of misconduct on the part of Mr. Potter some eight years ago.

While you have violated my confidence in publishing whatever I may have said to you, I shall take no exceptions, but will say that such information did come to me and that I refused to support Mr. Potter for sheriff on that ground but instead of trying to crush him and his family, I went to him as I thought a Christian man ought to do and talked to him as I would a brother about it. I did not make public what I had heard.

19. From that day until a few days before the present trouble I had never heard of any wrong doing. But you seem to have known it all these years.

20. Did you ever discharge your obligation to him by going to him and talking with him about it? Did any one else who has been so ready to censure me for defending him ever talk with either of the defendants? "Hath any man condemned you?" "Neither do I condemn you." "Let him that is without sin cast the first stone."

Mr. Editor, Christian people, let us follow more closely the example given us by one who could forgive the blackest of crimes; one who sought to build up rather than tear down.

I ask no apologies for what I have done or said. I am not conscious of any wrong doing. I am willing for my conduct in this community to uphold me if it has been proper or condemn me if it has been wrong.

Geo. P. Burnett.

EDITOR'S ANSWER.

Answer 1. Judge Burnett distorts the case in the first sentence of this article. The query, "What Will They Do," asks what will the church people of our town do about encouraging law enforcement by backing up the officers of the law with their moral influence. It is plain for any one to see, who wishes to see, that we did not mean to ask what the churches would do with Judge Burnett for we said:

"The question of cleaning up our town rests primarily with the five churches, because they are surely control the moral and religious destiny of this town as it is possible for any human organization to do. Therefore, the duty falls more fully on the church members than any other class."

Answer 2. Judge Burnett is just as prompt to expose his ignorance as he is to distort and twist the meaning of what we said. It would seem that he has little knowledge of who crucified our Saviour, the cause and results of the seven religious Crusades that extended from early in the eleventh century to well through the thirteenth century. Neither does he know anything of the horrors and cruelties of the Wars of the Roses or the shocking things that were done by the church leaders during the reign of the Thirty Tyrants.

We cannot here take space to speak of or explain all of the things mentioned, but will address ourself briefly to two of them only.

No person of even ordinary understanding pretends to deny that Jesus Christ was crucified because of the influence of the Jewish hierarchy or leaders in the Jewish church. At that time the Christian religion was not a church in the sense we speak because it had no controlling influence over any large number of the Jewish people.

It was only a sect and had little influence and for that reason was not "the church." It was the Jewish church, the leading and dominant church of that country, that caused the crucifixion of Christ and so it was the "church" that did it. It is needless to speak of how that act is regarded by the entire church world and all people everywhere, who are civilized.

In briefly explaining the Crusades we take our facts from Chambers Encyclopedia: "Crusades is a name given to the religious wars carried on during the middle ages between the Christian nations of the west and the Mohammedans. The first of these was undertaken to vindicate the right of Christian pilgrims to visit the Holy Sepulchre." By Holy Sepulchre is meant the tomb in which Jesus was laid after death. The Crusades were instigated by the pope. The whole history of the Crusades is full of cruelty, crime and viciousness. As the history of the Crusades covers several pages of closely printed matter we cannot give it here.

It will not do to claim that this condition was due to the Catholic church and charge us with impiety and slander, for the Catholic was the only Christian church then in existence in the sense that we referred to the "church."

The orthodox church of today did not come into existence until the time of Martin Luther, about three hundred years after the last Crusade. Some of the true followers of Christ lived then, but they had not grown to the power and dignity of a "church" but were only a sect. The dominant church and not the few faithful followers of Christ is the "church" to which we referred in the quotation given by Judge Burnett. He is either so ignorant as to not know church history or he seeks to twist and distort the meaning for unfair ends. We are not responsible for his ignorance or his actions.

Judge Burnett was not fair enough to quote what we said about the church in the paragraph following the one he quoted. We give it here: "It may be truthfully said that, nothing that has ever engaged the attention of man has done so much for the uplift of humanity as the Christian religion." The modern church is what we meant when we wrote that about the good things done by the church."

Answer 3. We are unable to understand what Judge Burnett means by this. If he wishes us to answer he must explain it.

Answer 4. The declaration of Judge Burnett as to "infidel," and "dirty fling" have no argumentative weight. What we have to say either for or against the church has not been said through, behind or because of, Judge Burnett and his attempt to make it appear so is silly.

Answer 5. Judge Burnett charges us with using profane language. We bow to that accusation and admit it is wrong. We are trying to quit it and have been trying to do so for a long time. We regret we have not succeeded more fully, but hope to be able to leave it off altogether finally.

He does not hesitate to dig into our private acts, but we shall not now reply in kind. If we chose to do so we could bring against him a stronger indictment than an occasional thoughtlessly uttered oath.

Answer 6: We leave it to the public to decide whether or not the man or lawyer, who defends evil is assisting society as truly and surely as he would if he opposed and refused to defend wrong, especially in the case of one who has been so active against wrong as has Judge Burnett.

Answer 7. Judge Burnett would lead the public to believe that he did not dare or could not justly decline the case of Mr. Potter. That is not the true situation. He has the same right to decline any case that the editor has to refuse to accept whiskey advertisements. Judge Burnett well knows this and so does the public and his efforts to beg the public along that line are doomed to failure.

It would be some different if Mr. Potter could not get a lawyer and the judge of the court should direct Judge Burnett to defend Mr. Potter. Even in that case a judge would rarely insist if a lawyer asked to be excused on the grounds of conscientious scruples.

Every one knows that Mr. Potter has ample means to employ all the lawyers he wants or needs. Judge Burnett would not be subject to censure if he had not been so active in law enforcement.

Answer 9. Never before in our knowledge has an attorney changed about-face so completely in so short a time.

Answer 10. Judge Burnett's opinion as to us being an anarchist is the result of anger and unsound logic and we care nothing for it. We are perfectly willing to leave that with the people.

Answer 11. We did not prejudice Mr. Potter as our report of the trial will show for we used these words: "Marshal Hill Lowrey and Deputy Grissom were put on the witness stand. The evidence was of a kind that is unprintable, but on their sworn statements Recorder Rector imposed a fine of \$25 and costs on each of the defendants." Not one word as to their guilt or innocence or the justice of the finding of the recorder. There is not the

slightest prejudice in that way as any one can see who wishes to see.

Answer 12. Judge Burnett continually quotes us incorrectly. We did not say, "the misconduct had been going on from six to ten years."

What we did say is: "No person knows more fully than Judge Burnett that the generally accepted belief of the people of our town is, that this disgraceful condition is of years standing—certainly not less than six to ten years." We did not say it is of six or ten years standing, but did state what the generally accepted belief of the people is.

Answer 13. Backing up Judge Burnett so long as he opposed bootlegging and other lawlessness, but when he ceased to fight for law enforcement without compensation and began to fight for those whom were charged with being law violators, we had to stand as before and let Judge Burnett go his way without our aid or encouragement.

Judge Burnett seems much incensed because we do not muckrake the town and people of Crossville. Every one who knows him is aware that he would very quickly call us to account if we brought charges against any client of his on mere supposition or hearsay.

This editor never has and never will indulge in muckraking. But we certainly have a right to publish the findings of courts, and comment editorially on the same, if we choose.

Answer 14. We do not muckrake. Answer 15. He misquotes us again. We did not say "we stand ready to expose crime and corruption at all times."

What we did say is this: "With the firmest possible determination to stand for clean living in opposition to every form of law violation." It is not the business of this editor to turn detective. That is the business of the officers of the law, and we are glad to say that, in our marshal, Hill Lowrey, and his deputy, E. W. Grissom, we believe we have two clean, energetic, capable and courageous officers. We shall try to hold up their hands so long as they act as they have in the past.

Answer 16. We did thoughtlessly allow a man to get his utterances in the paper who many persons thought was a bootlegger at the time Judge Burnett was mayor and whom Judge Burnett never even so much as had arrested. We think Judge Burnett refers to Luther Patton. Judge Burnett stood sponsor for John Patton, as marshal of our town, a brother of Luther Patton, and who was also charged with being a bootlegger. We stood with Judge Burnett because we believed in him and his honesty of purpose, and for the further reason that we knew nothing as to the truth of the charges that the marshal was a bootlegger. Had we known that Marshal John Patton was a bootlegger we would have opposed him and we told him so.

Judge Burnett thinks it a terrible bad thing for us to inadvertently allow a man who was considered a bootlegger to have a hearing in the paper, but Judge Burnett never had Luther Patton placed under arrest or tried for bootlegging and since he was not convicted he must stand as innocent until he was proven guilty.

Shortly after Luther Patton put his article in the paper we exposed his name without asking his consent and publicly admitted that we made a mistake in allowing him to write over a fictitious name. Some of the charges made by Luther Patton were the truth, but we cannot now discuss that for it involves other people who are not a party to this discussion.

Answer 17. We never did go to any living person and beg them to answer the article written by Luther Patton. We did say to several of our business men, that we, as editor, could not do it all and that a letter from a citizen of the town would be more effective than anything we might say.

That statement applied to the general conditions and not to the letter written by Luther Patton.

Answer 18. We have violated no confidence for Judge Burnett enjoined no secrecy on us. Furthermore, he told many persons over the county. Some of them were not Masons. This Judge Burnett knew before he mailed this reply of his. These statements we can prove by good and reliable men.

Answer 19. It is more than passing strange that Judge Burnett should remain ignorant for nearly seven years of a thing so commonly and openly discussed as this case. In the past four years we have heard it mentioned dozens of times.

Answer 20. We never did go to Mr. Potter and talk to him about it for we felt it would be useless. Knowing him as we do, we did not think our intimacy with him was such that we would have any influence with him on the subject.

We have answered Judge Burnett frankly and without passion, but in doing so the vital point of this discussion has not been touched.

It matters not how bad this editor is, that does not relieve Judge Burnett in the least.

Here are the facts briefly stated: Less than two years ago Judge Burnett was fighting lawlessness as an attorney without compensation or hope of gain, other than that of an approving conscience.

For the past several months he has been defending those charged with law violation, and in the case of Mr. Potter we suppose he expects a fee.

If Judge Burnett thinks the people of our town and county will have the same confidence in him now that they did two years ago, let it go at that. We are entirely willing that the public be the judge and jury.

Nothing we have written has been written in anger or bitterness, and we have tried to be frank and fair. We feel absolutely safe in our position for our conscience is not accusing us in the least. We are trying to act the part of a good citizen, and while the price we are paying, in some ways, is heavy, we shall not shrink or falter, but continue to do the right as we see it.